

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kaitlin Campbell	Team: Squad #13	CCRB Case #: 201704047	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/23/2017 9:13 AM	Location of Incident: Over the phone	Precinct: 78	18 Mo. SOL 11/23/2018	EO SOL 11/23/2018	
Date/Time CV Reported Tue, 05/23/2017 9:44 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/23/2017 9:44 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT Paula Smith	04021	923195	078 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Jorgensen	26407	950649	078 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Paula Smith	Abuse: Sergeant Paula Smith did not process § 87(2)(b) s complaint regarding an officer.	[REDACTED]
§ 87(4-b) § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On May 23, 2017, at approximately 9:59 a.m., § 87(2)(b) called the CCRB and filed this complaint.

On May 23, 2017, at approximately 9:13 a.m., § 87(2)(b) called the 78th Precinct stationhouse and asked to speak with Sergeant Paula Smith of the 78th Precinct, whose name § 87(2)(b) obtained from Police Officer Daniel Jorgensen of the same command. Sgt. Smith was put on the phone and § 87(2)(b) told her that PO Jorgensen had just issued him an unfair summons for not wearing a seatbelt and he wanted to file a complaint against PO Jorgensen for his behavior during their encounter. Sgt. Smith told § 87(2)(b) she would file a complaint with the CCRB for him and gave § 87(2)(b) the CCRB's complaint hotline phone number to follow up. § 87(2)(b) called that number immediately after speaking with Sgt. Smith, generating this complaint, and no complaint was filed by Sgt. Smith (**Allegation A**) § 87(4-b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Mediation, Civil and Criminal Histories

- § 87(2)(b) was offered mediation over the phone and he rejected it.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- On August 1, 2017, a Freedom of Information Law request was submitted to determine whether a Notice of Claim was filed regarding this incident, the response of which will be added to the case file upon its receipt to the agency.

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint.
- Over the course of her 18-year tenure with the NYPD, this Sgt. Smith's first CCRB complaint.

Findings and Recommendations

Allegation A –Abuse of Authority: Sergeant Paula Smith did not process § 87(2)(b)'s complaint regarding an officer.

§ 87(4-b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

According to § 87(2)(b) he called the 78th Precinct stationhouse and told the person who picked up he wanted to speak with Sgt. Smith because he was just issued an unfair summons and wanted to make a complaint against the officer. After being put on hold and having had the call disconnected twice, § 87(2)(b) was connected to Sgt. Smith and told her he wanted to file a complaint against PO Jorgensen. Sgt. Smith told him she would file a complaint for him and “send the paperwork over” to the CCRB. She gave § 87(2)(b) a phone number for the CCRB and told him to call that number with questions.

§ 87(2)(b)'s phone statement was consistent with his in-person statement except Sgt. Smith told him she emailed the complaint to the CCRB.

There is no record with the CCRB or with the NYPD Internal Affairs Bureau that a complaint was filed by Sgt. Smith (Board Review 01).

Sgt. Smith worked as the desk sergeant on May 23, 2017. She did not remember speaking to § 87(2)(b) on May 23, 2017 but remembered having a phone conversation with someone who was upset with PO Jorgensen for issuing him a summons. She did not remember that person having said he wanted to file a complaint against PO Jorgensen. Sgt. Smith said that when she is on desk duty and speaks with a person over the phone who wants to file a complaint against an officer, she provides them with the CCRB's 1-800 number and the CCRB's web URL, and tells them how to file a complaint. Sgt. Smith said she does not make documentation regarding civilians who want to file complaints against officers.

No command log entry was made regarding a complaint by § 87(2)(b) and Sgt. Smith never forwarded any written complaint or reported § 87(2)(b)'s complaint to the CCRB (Board Review 02).

Patrol Guide Procedure 207-31 states that a member of service receiving a complaint from a civilian alleging misconduct by a uniformed member of service by telephone must prepare first a copy of the Civilian Complaint Report in their own handwriting, advise the complainant he will receive a written acknowledgement from the Civilian Complaint Review Board, inform the CCRB Intake Unit immediately by telephone, log the CCRB complaint number and time of intake, and have a command log entry made consisting of key information from the Civilian Complaint Report (Board Review 03).

§ 87(2)(g)

Squad: 13

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date